



US Army Corps  
of Engineers®  
San Francisco District

Regulatory Branch  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Project: Gentry-Suisun Project, Solano County

NUMBER: 29818N

DATE: September 11, 2007

RESPONSE REQUIRED BY: October 11, 2007

PERMIT MANAGER: Bryan Matsumoto

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1. **INTRODUCTION:** Ms. Suzanne Bragdon, City Manager, City of Suisun City, 701 Civic Center Boulevard, Suisun City, CA 94585, (707) 421-7300, has applied to the United States Army Corps of Engineers (Corps), through her agent the Huffman-Broadway Group Inc. (HBG) (Point of Contact: Dr. Terry Huffman, 828 Mission Avenue, San Rafael, CA 94901, (415) 925-2000), for a Department of the Army Individual Permit to construct the Gentry-Suisun Project. The project would be located on 95.02 acres of a 490.41 acre site in an unincorporated area of Solano County, adjacent to the City of Suisun City, California (Figures 1-2). The project purpose is to construct and operate a mixed-use retail and residential development. The project would cause the permanent loss of 35.95 acres of jurisdictional wetlands. The duration of authorization, should it be accepted, would be for five years from the date of the permit issuance. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

## 2. PROPOSED PROJECT:

**Project Site:** The Gentry-Suisun Project (Project) is on approximately 490.41 acres in an unincorporated area of Solano County, adjacent to the City of Suisun City, California (Figures 1-2). The site is owned by the Tom Gentry California Company, 560 N. Nimitz Hwy., Suite 211, Honolulu, HI 96817 (Point of Contact: Joe Fadrowsky, President), except for the roads and right-of-ways, which are owned by the City of Suisun City, and Solano County. The City of

Suisun City proposes, in a cooperative arrangement with the primary land owner and developer, an economically feasible, integrated mixed-use project consisting of retail and residential development and road improvements on 95.02 acres of the 490.41 acre Project Area. (Note: For clarification, "Project Area" refers to the entire 490.41 acres; "Mixed-Use Site" refers to the 88.82 acre retail and residential development area and 6.20 acres of road improvements along Cordelia Road and Pennsylvania Avenue. The "Project" refers to the Mixed-Use Site development and mitigation plan.)

The Project Area boundary is comprised of three properties referred to as the Gentry, Tooby and Barnfield property, and have been divided into five Planning Areas (PA) (Figures 3-4). The Mixed-Use Site is composed of PA 1, PA 2 and a portion of PA 3, and a portion of Pennsylvania Avenue Right-of-Way and the Cordelia Road Right-of-Way. PA 4 and 5, and a portion of PA 3 will be used to mitigate for wetland and Contra Costa goldfields (*Lasthenia conjugens*) (CCG).

**Gentry Property (PA 1-2):** The Gentry Property north of the UPRR (PA 1) is bound by State Route 12 on the north and Pennsylvania Avenue on the east. Topographically PA 1 and PA 2 are gently sloped, grazed by cattle and consist of naturalized annual grasslands, seasonally saturated annual grasslands, alkali seasonal marsh, seasonal wetlands, and vernal pools. The annual grasslands and seasonally saturated annual grasslands are dominated by naturalized annual grass species. Within the seasonally saturated grassland habitat

are several small seasonal wetlands and vernal pools that typically comprise less than a quarter acre. On the eastern edge of the property is a large shallow vernal pool that covers approximately 8.5 acres. PA 1 is bisected by major utility lines including a Vallejo water pipeline, high voltage electrical transmission lines and a high pressure gas pipeline. Elevation within the site ranges from 5 to 10 feet MSL.

A small remnant slough channel that supports willows (*Salix* sp.) and other riparian vegetation is present on the western boundary of PA 2. PA 2 is best described as a ruderal pasture. The area is currently not grazed and is dominated by naturalized annual grasses with two small wetland polygons near the southern boundary. A high pressure petroleum pipeline runs along the southern boundary and utility pipelines for sewer and water run along the Cordelia Road right of way along the southern boundary.

**Tooby Property (PA 3-4):** The Tooby Property is dominated by a mix of wetland and upland habitats. A drainage ditch runs north to south through the western portion of the site. This ditch carries stormwater runoff from the City of Fairfield, and may also convey runoff from natural drainages north of Fairfield. It flows directly to a slough feeding into Suisun Bay and is subject to tidal fluctuation. West of the ditch are several medium to large seasonal wetlands, including both vernal pools and alkali seasonal marshes. These are not tidally influenced but excess stormwater from this area drains into the ditch through a culvert. East of the ditch, most of the property supports perennial brackish marsh with dense stands of cattail (*Typha* sp.), California bulrush (*Scirpus californicus*), and pickleweed (*Salicornia virginica*). Portions of these wetlands receive tidal flow from the ditch, which is open to this portion of the site. The limited upland areas on the site support naturalized annual grassland.

**Barnfield Property (PA 5):** The Barnfield Property (PA 5) is south of Cordelia Road. The southern most portion is adjacent to the upper edge

of Suisun Marsh, a large estuarine marsh formed along the northern shore of Grizzly Bay and the larger Suisun Bay near the confluence of the Sacramento and San Joaquin rivers. The property consists of nearly level terrain with a gentle slope trending south-southeast toward Suisun Marsh. Elevation ranges from approximately 10 feet MSL to sea level. The higher areas in the northern and northwestern portions of the property support naturalized nearly level, grazed, upland annual grasslands with interspersed seasonal wetlands including vernal pools, seasonal alkali marsh, and seasonally saturated annual grasslands. Lower areas in the south and southeast are dominated by perennial brackish marsh associated with Suisun Marsh.

Peytonia Slough and several smaller unnamed sloughs cut through the perennial marsh habitat. These sloughs are subject to tidal fluctuations and are hydrologically connected to Grizzly Bay via Suisun Slough. Ledgewood Creek, which originates in the Gordon Valley several miles to the northwest, traverses through the center of the property. There are two drainage ditches on the property. One traverses the eastern portion of the property; this ditch carries stormwater runoff from the City of Fairfield, and may also convey runoff from natural drainages north of Fairfield. The second ditch is adjacent to and confluent with Ledgewood Creek. Ledgewood Creek on the Barnfield and Gentry properties is not part of the Project Area. Ledgewood Creek and the two ditches are subject to tidal fluctuations and support bankside stands of perennial brackish marsh vegetation (i.e. *Scirpus* sp., *Typha* sp.). In addition to these drainages, there are two smaller excavated ditches, one that joins the eastern ditch, and one that traverses the western portion of the property. These ditches appear to convey local stormwater runoff. These ditches do not appear to be subject to tidal flow except for the lower half of the western ditch.

**Pennsylvania Avenue Right-of-Way:** The Pennsylvania Avenue right-of-way transects the Project Area from State Route 12 dividing PA 1 and PA 3 and 4 properties. This portion of

Pennsylvania Avenue is a two lane road with roadside ditches parallel to each side. Portions of the roadside ditches along the west side of Pennsylvania Avenue right-of-way do exhibit wetlands characteristics.

**Cordelia Road Right-of-Way:** The Cordelia Road right-of-way transects the Project Area dividing the PA 3 from the PA 5 property. This portion of Cordelia Road is a two lane road with roadside ditches parallel to each side. Portions of the roadside ditch along the north side of Cordelia Road right-of-way do exhibit wetlands characteristics.

**Project Description:** The applicant proposes, in a cooperative arrangement with the primary land owner and developer, an economically feasible, integrated mixed-use project consisting of retail and residential development on 95.02 acres of the 490.41 acre Project Area (Figure 5).

Planning Area 1 encompasses the northern portion of the Mixed-Use Site and is intended primarily for the development of a major retail center. Approximately 58.1 acres of Planning Area 1 would have a mix of retail tenants, which may include small shops, general merchandise stores, “big box” establishments such as a home improvement center, and service providers. The remaining acreage within Planning Area 1 is intended to provide approximately 123 two- and three-story patio homes, and associated features. A stormwater detention pond would be constructed near the northwestern corner of Planning Area 1.

Planning Area 2 encompasses the southern portion of the Mixed-Use Site, and is intended for the development of approximately 103 single-family homes. Current development plans for this Planning Area include traditional two-story single-family detached homes, and associated features. This area would also have a stormwater detention pond.

Planning Area 3 is just northeast of the intersection of Pennsylvania Avenue and the UPRR tracks, and is intended to be used for preservation of

existing wetland habitat and for the creation of a stormwater detention pond.

Improvements along portions of Pennsylvania Avenue and Cordelia Road adjacent to the Mixed-Use Site would include increasing the number of lanes from 2 to 4 plus turn lanes into the Mixed-Use Site and a merge lane from Pennsylvania Avenue onto State Route 12 east. Additionally, pedestrian sidewalks and a bike trail along both sides of Pennsylvania Avenue and along the north side of Cordelia Road adjacent to Planning Area 2 would be constructed.

**Purpose and Need:** The basic Project purpose is to construct and operate a mixed-use retail and residential development. The overall project purpose is to develop an economically feasible, integrated mixed-use project consisting of a major regional retail center and residential development on a site adjacent to urban areas with convenient freeway and roadway access within the City of Suisun’s Sphere of Influence and General Plan that will provide to the City a major tax revenue source needed for City functions.

The applicant states that the project is needed to increase sales and real estate tax revenue to the City of Suisun City. It would also increase needed employment opportunities and increase the supply of homes in the area.

**Impacts to Corps of Engineers jurisdiction:** The project site contains 330.20 acres of jurisdictional wetlands. The proposed project would result in the permanent loss of 35.95 acres of jurisdictional wetlands (Figures 6-7). Impacts to wetlands would include grading and filling for construction of building pads, access roads, utility lines, and other associated features.

**Mitigation:** To compensate for the direct loss of 35.95 acres of jurisdictional wetlands/potential CCG habitat within critical habitat Unit 5B and for adverse impacts to 0.023 acre of habitat occupied by CCG, the applicant would preserve CCG habitat within Unit 5B to an

amount equal to 5.67:1 (5.67 acres preserved for every 1 acre lost), all of which would occur on PA 3, PA 4 and PA 5 properties (preserve 203.84 acres of existing potential habitat and 44.94 acres of restored wetlands) (Figure 8).

With the implementation of the mitigation plan the 203.84 acres of preserved CCG habitat and 44.94 acres of restored wetlands habitat would be managed for the long-term survival and recovery of Contra Costa goldfields within Unit 5B, consistent with the recovery standards articulated in the USFWS's *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Dec. 15, 2005). The mitigation plan would implement measures to enhance the primary constituent elements of the critical habitat for Contra Costa goldfields that are essential for the primary biological needs of germination, growth, reproduction and dispersal. Within PA 4 and 5 the mitigation plan would (1) implement a grazing management plan designed to enhance and maintain conditions ideal for germination, growth, reproduction and dispersal of CCG by controlling the buildup of thatch; (2) preserve upland habitat essential for the solitary bee which is the primary mechanism of pollination for CCG; (3) create/restore 44.94 acres of vernal pools, swales or other ephemeral ponds (i.e. wetlands) and their associated watersheds which would provide dispersal habitat potentially resulting in the expansion of their population; and (4) develop a CCG salvage and relocation program and attempt to establish new populations of CCG within PA 4 and PA 5.

Although it is uncertain at this time whether potential California Tiger Salamander habitat occurs on site, the applicant is willing to commit to migratory and estivation habitat mitigation at a 2:1 ratio (2 acres preserved for every 1 acre impacted) and breeding pond habitat mitigation at a ratio of 1:1 (1 acre created for every 1 acre impacted). This requirement would be eliminated if it is later determined, in consultation with the U.S. Fish and Wildlife Service (Service) and California

Department of Fish and Game (DFG), that tiger salamander habitat does not exist on the site.

The created/restored wetlands and preserved wetlands shall be protected "in-perpetuity" through a conservation easement and/or fee title transfer to an appropriate governmental agency and/or held in trust by an appropriate third party, and would be managed in perpetuity with an appropriately funded endowment or other revenue source.

### **3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat.

The Corps has made a preliminary determination that the proposed project will adversely affect an existing population of CCG and will adversely affect CCG designated Critical Habitat Unit 5B. This determination was based on information regarding habitat requirements of federally listed threatened and endangered species that could occur on the project site and species specific site



assessments conducted by Vollmar Consulting for special-status plant species and Helm Biological Consulting and Area West Environmental for federally listed vernal pool large branchiopods. Additionally, California tiger salamander (*Ambystoma californiense*) site assessment and aquatic larval survey was conducted between March 31 and May 31 of 2006 following current federal survey protocols dip net surveys for California tiger salamander (CTS). The USFWS reviewed the site assessment and aquatic larval survey results and determined the results were inconclusive for purposes of their obligations under the federal Endangered Species Act (ESA). Accordingly, the USFWS requested more information regarding barriers to migration from off-site and potential breeding ponds within close proximity to the Project Area. In response to the USFWS comments, the applicant conducted two additional upland site assessment studies and has submitted them to the USFWS for their review. Upon completion of their review, the USFWS will determine whether or not additional field surveys would be required under federal law and at that time the Corps will determine whether or not consultation for CTS would be warranted.

The Corps will initiate formal consultation with the USFWS in accordance with Section 7(a)(2) of the Endangered Species Act for potential impacts to CCG and its designated Critical Habitat Unit 5B.

**Magnuson-Stevens Fisheries Conservation and Management Act:** The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Due to the absence of EFH on the project site, no consultation for EFH will be completed.

#### **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued.

The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**Coastal Zone Management Act of 1972 (CZMA):** Section 307(c) of the Coastal Zone Management

Act of 1972, as amended (16 U.S.C. 1456(c)), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be issued until the appropriate State agency has concurred with the certification statement or has waived its right to do so. The project does not occur in the coastal zone, and a preliminary review by the USACE indicates that the project would not likely affect coastal zone resources. This presumption on effect, however, remains subject to a final determination by the California Coastal Commission.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this

decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bryan Matsumoto of our office at telephone 415-503-6786 or E-mail: Bryan.T.Matsumoto@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.